

REMARKS

In an Office Action dated 14 December 2005, the Examiner rejects claims 52, 54-56, 58- 60, 62-64, 66 and 67. In response to the Office Action, Applicants amend claims 52, 56, 60, and 64; cancel claims 54, 58, 62, and 66; and respectfully traverse the rejections. Claims 52, 55-56, 59-60, 63-64, and 67 remain pending in this application. In light of the amendments and the below arguments, Applicants respectfully request that the Examiner allow all pending claims and allow this application.

In the Office Action, the Examiner rejects claim 52 under 35 U.S.C. §103(a) as being unpatentable over “Requests for Comments 2131: Dynamic Host Configuration Protocol” (RFC) in view of U.S. Patent Number 5, 692, 197 issued to Narad et al. (Narad). In response to this rejection Applicants have amended claim 52 to include all of the elements of claim 54.

The Examiner has rejected claim 54 under 35 U.S.C. §103(a) as being unpatentable over RFC in view of Narad in further view of U.S. Patent Number 4,775,996 issued to Emmerson et al. (Emmerson). In order to maintain a rejection the Examiner has the burden of providing evidence of prima facie obviousness. See MPEP §2143. See also In Re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). In order to prove prima facie obviousness, the Examiner must provide evidence in the prior art of a motivation to combine or modify a reference, a reasonable expectation of success, and a teaching of each and every claimed element. *Id.* The Examiner has failed to provide evidence of a teaching of each and every claimed element.

Amended Claim 52 recites “setting a re-transmit timer responsive to a determination of said mobile computer terminal being out of said transmission range; and re-transmitting said message responsive to an expiration of said re-transmit timer.” Neither RFC nor Narad teaches these limitations as stated by the Examiner in the Action.

Emerson also does not teach these limitations. Emmerson merely teaches that in an infra-red system a line-of sight relation is needed between a transmitter and a receiver. See Col.1, lines 32-35. Emmerson goes on to state a warning system may be needed to correct operator misuse such as out of range or interruption of the beam. See Col. 1, lines 35-38. There is no teaching of setting a re-transmit timer and transmitting when the timer expires as recited in amended claim 52. Applicant has read the entirety of Emmerson and has found no such teaching. Thus, none of the cited references teach these limitations.

Since none of the references teach setting a re-transmit time responsive to being out of range and transmitting said message responsive to the timer expiring, the combination of the references does not teach these limitation. Thus, Applicants respectfully request that the rejection of claim 54 be removed and amended claim 52 be allowed.

Claim 55 is dependent upon claim 52. Thus, claim 55 is allowable for at least the same reasons as amended claim 52. Therefore, Applicants respectfully request that claim 55 be allowed.

Amended claim 56 teaches an apparatus that performs the method of amended claim 52. Thus, amended claim 56 is allowable for at least the same reasons as amended claim 53. Therefore, Applicants respectfully request that the rejection of claim 58 be removed and amended claim 56 be allowed.

Claim 59 is dependent upon claim 56. Thus, claim 59 is allowable for at least the same reasons as amended claim 56. Therefore, Applicants respectfully request that claim 59 be allowed.

Amended claim 60 recites a system that performs the method of claim 52. Thus, amended claim 60 is allowable for at least the same reasons as amended claim 52. Therefore, Applicants respectfully request that the rejection of claim 64 be removed and amended claim 60 be allowed.

Claim 63 is dependent upon claim 60. Thus, claim 63 is allowable for at least the same reasons as amended claim 60. Therefore, Applicants respectfully request that claim 63 be allowed.

Amended claim 64 recites a method for operating a mobile device that includes the method of claim 52. Thus, amended claim 64 is allowable for at least the same reasons as amended claim 52. Therefore, Applicants respectfully request that the rejection of claim 66 be removed and amended claim 64 be allowed.

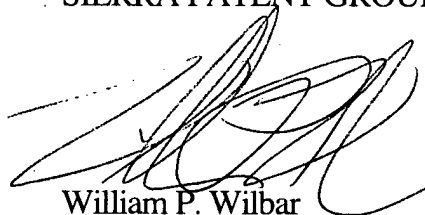
Claim 67 is dependent upon claim 64. Thus, claim 67 is allowable for at least the same reasons as amended claim 64. Therefore, Applicants respectfully request that claim amended 67 be allowed.

If the Examiner has a question about this response or the application in general, the Examiner is invited to telephone the Applicants at 775-586-9500.

Respectfully submitted,
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